

trict No. 1, in Hockley county, Texas; validating and continuing in force all taxes heretofore voted and now in force in said Ropes Independent School District No. 1; providing that all property now vested in Ropes Independent School District No. 1, with its metes and bounds of Center Independent School District No. 5, as herein created; providing for filling vacancies in the board of trustees; providing for a seal for said district; providing that the board of trustees of said district shall in all things be governed by the general laws of Texas relating to independent school districts in matters where this act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any provisions of this act shall not invalidate any remaining parts or provision, and declaring an emergency,"

And find the same correctly engrossed.  
ROWELL, Chairman.

Committee Room,  
Austin, Texas, February 2, 1925.

Hon. Lee Satterwhite, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 24, A bill to be entitled "An Act exempting from taxation institutions or organizations such as the Boy Scouts of America or local organizations of such a boy, and declaring an emergency,"

And find the same correctly engrossed.  
ROWELL, Chairman.

#### SEVENTEENTH DAY.

(Tuesday, February 3, 1925.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Satterwhite.

The roll was called and the following members were present:

Acker.	Bartlett.
Albritton.	Bateman.
Alexander	Bean.
of Bastrop.	Bedford.
Alexander	Bird.
of Limestone.	Blount.
Atkinson.	Bonham.
Avis.	Brown.
Baker of Orange.	Bryant.
Baker of Panola.	Cade.
Barker.	Carter.
Barron.	Chitwood.

Coffey.	McGill.
Conway.	McKean.
Coody.	McNatt.
Covey.	Merritt.
Cox of Lamar.	Montgomery.
Cox of Navarro.	Moore.
Cummings.	Nicholson.
Dale.	Parish.
Daniels.	Pavlica.
Davis of Dallas.	Pearce.
Davis of Wood.	Perdue.
DeBerry.	Petsch.
Dielmann.	Poage.
Donnell.	Pool.
Downs.	Pope.
Dunn of Falls.	Powell.
Dunn of Hopkins.	Purl.
Durham.	Rawlins.
Enderby.	Raymer.
Farrar.	Renfro.
Faulk.	Rice.
Fields.	Robinson.
Finlay.	Rogers.
Florence.	Rowland.
Foster.	Runge.
Frnka.	Sanford.
Graves.	Shearer.
Hagaman.	Sheats.
Hall.	Simmons.
Harman.	Sinks.
High.	Smith of Nueces.
Hollowell.	Smith of Travis.
Hoskins.	Smyth.
Irwin.	Sparks.
Jacks.	Stautzenberger.
Jasper.	Stell.
Johnson.	Stevens.
Jones.	Stevenson.
Jordan.	Stout.
Justice.	Strong.
Kayton.	Taylor.
Kemble.	Teer.
Kenyon.	Thompson.
King.	Tomme.
Kinnear.	Veatch.
Kittrell.	Wade.
Laird.	Walker.
Lane of Hamilton.	Wallace.
Lane of Harrison.	Webb.
Lipscomb.	Wells.
Loftin.	Westbrook.
Low.	Wester.
Mankin.	Williamson.
Masterson.	Wilson.
McBride.	Woodruff.
McDonald.	Young.
McFarlane.	

Absent.

Gray.	McDougald.
Houston.	Rowell.

Absent—Excused.

Amsler.	Dinkle.
Bobbitt.	Dunlap.
Boggs.	Harper.

Hull.  
Maxwell.

Simpson.  
Storey.

A quorum was announced present.  
Prayer was offered by Rev. J. C. Mitchell, Chaplain.

#### LEAVES OF ABSENCE GRANTED.

The following members were granted leave of absence on account of important business:

Mr. Dunlap for today, on motion of Mr. Jacks.

Mr. Simpson for today, on motion of Mr. Lane of Harrison.

Mr. Harper for yesterday and today, on motion of Mr. Stell.

Mr. Hull for today, on motion of Mr. Cade.

Mr. Amsler for today, on motion of Mr. Alexander of Bastrop.

Mr. Bobbitt for today, on motion of Mr. Petsch.

Mr. Storey for today, on motion of Mr. Loftin.

The following member was granted leave of absence on account of sickness:

Mr. Boggs for today, on motion of Mr. Cox of Lamar.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. High:

H. B. No. 332, A bill to be entitled "An Act amending Chapter 19, Local and Special Laws, passed by the Thirty-seventh Legislature at its First Called Session, as amended by Chapter 88, Local and Special Laws, passed by the Thirty-eighth Legislature at its Regular Session, creating the Canton Independent School District in Van Zandt county, Texas; defining its boundaries, providing for the extension thereof, including the present Canton Independent School District; providing for a board of trustees in said district, conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; providing that the outstanding bonded indebtedness of each school district included within the bounds of said district shall remain chargeable against the territory which voted the same; providing

that the district as herein created may assume such outstanding bonded indebtedness; providing for the repeal of all laws in conflict herewith, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Perdue:

H. B. No. 333, A bill to be entitled "An Act to regulate the distribution of Confederate pensions to the surviving veterans of the war between the States; providing for the graduation and increase of pensions in proportion to injuries received and sufferings endured in consequence of military service rendered the Confederate States of America, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Rogers, Mr. Harman, Mr. Farrar and Mr. Moore:

H. B. No. 334, A bill to be entitled "An Act to amend Article 1585 of the Revised Civil Statutes of Texas, Chapter 2, relating to the terms of the various Courts of Civil Appeals of Texas, and designated as Article No. 1816, Chapter 1, Title 39, of the New Revised Civil Statutes of Texas, as presented to the Thirty-ninth Legislature for adoption and passage, and providing for an emergency."

Referred to Judiciary Committee.

By Mr. Donnell (by request):

H. B. No. 335, A bill to be entitled "An Act to amend Article 6295, Title 106, Chapter 1 of the Revised Statutes of Texas, relating to qualifications of pharmacist, and repealing any rule or section in conflict therewith; and providing that ten years practical experience in pharmacy under the instruction of a licensed or registered pharmacist shall entitle anyone to practice pharmacy; and providing for the regulation of the practice of pharmacy and prescribing the qualification which shall be required by the Board of Pharmacy, and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Wade:

H. B. No. 336, A bill to be entitled "An Act to amend Article 4091 of the Revised Statutes of Texas, 1911, so as to authorize the appointment of temporary guardians of the persons and estates of minors and persons of unsound mind, and providing the mode and

manner of such appointment, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Davis of Wood and Mr. Enderby:

H. B. No. 337, A bill to be entitled "An Act to amend Sections 2 and 6 of Chapter 62 of the General Laws passed at the Second Called Session of the Thirty-sixth Legislature, relative to analyzing, testing and labeling of agricultural seed offered or exposed for sale in this State; prescribing the label requirements and defining the term 'purity percentage,' and noxious weed seeds and establishing the minimum rate of occurrence of noxious weed seeds which must show on the tested seed label, by fixing the rate according to the size of the crop seed in which they occur; and providing for the promulgation of rules and regulations by the Commissioner of Agriculture, and authorizing the Commissioner to fix the maximum number of samples that may be tested free of charge for any citizen of the State and permitting charges for tests of samples submitted in excess of those tested free of charge; providing that all moneys received from the receipts of such fees shall be paid into the State Treasury, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Wester:

H. B. No. 338, A bill to be entitled "An Act creating and incorporating the Grandview Independent School District, in Dawson county, Texas, out of territory now composing Common School District No. 12 in said county; defining its boundaries; providing for a board of trustees thereof, and defining their powers and authority; authorizing said board of trustees to levy, assess and collect taxes for maintenance and building purposes and to issue bonds therefor, and providing that said Grandview Independent School District shall assume all the obligations and indebtedness of said Common School District No. 12; vesting title to property of said Common School District No. 12 in Grandview Independent School District; providing for an assessor and collector of taxes thereof, and providing for a board of equalization of said district; providing for the election and terms of office of trustees thereof, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Covey and Mr. Stell:

H. B. No. 339, A bill to be entitled

"An Act authorizing independent school districts meeting certain requirements provided herein to establish and maintain junior colleges offering two years of instruction beyond the high school grades; providing that such junior colleges shall be a part of the general public school system of this State; defining the scope of the college work as provided for herein; vesting the management of such junior colleges in the boards of trustees of the school districts; providing for their maintenance; prescribing the methods for the establishment of such college work and the means by which it may be discontinued; validating certain junior colleges established prior to the passage of this act; providing that independent districts establishing and maintaining collegiate work as prescribed in this act may receive supplemental appropriations from the general funds of the State; prescribing the amount of such supplemental aid; making an appropriation, and declaring an emergency."

Referred to Committee on Education.

By Mr. Rawlins, Mr. Purl, Mr. Strong, Mr. Irwin, Mr. Davis of Dallas and Mr. Jacks:

H. B. No. 340, A bill to be entitled "An Act authorizing any city, town or village incorporated under the general laws of the State of Texas, and having a population of not more than 2500 inhabitants, according to the United States census of 1920, to disannex a portion of territory located within the limits of any such city, town or village, upon receipt of a petition requesting such disannexation, signed by two-thirds or more of the qualified voters located within such territory, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Jones:

H. B. No. 341, A bill to be entitled "An Act making it unlawful to write, print, paint, cut or carve on private property within this State any obscene, vulgar or indecent word, picture or symbol; prescribing a penalty; defining private property, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Rowland:

H. B. No. 342, A bill to be entitled "An Act requiring parties against whom monetary judgments have been or may be rendered, and also other witnesses, to testify in person or by deposition as

to assets owned or pass transfers of property made, by the judgment debtor."

Referred to Judiciary Committee.

#### RELATING TO HOUSE BILL NO. 257.

Mr. Lipscomb moved to reconsider the vote by which House bill No. 257 was withdrawn from the Committee on Labor and referred to the Committee on Insurance.

The motion to reconsider prevailed.

Question recurring on the motion to refer the bill to the Committee on Insurance, it was lost.

#### BILLS RECOMMITTED.

On motion of Mr. Smith of Travis, House bill No. 233 was recommitted to the Committee on Revenue and Taxation.

On motion of Mr. Kittrell, House bill No. 67 was recommitted to the Committee on Criminal Jurisprudence.

#### BILL RE-REFERRED.

On motion of Mr. DeBerry, House bill No. 187 was withdrawn from the Committee on Education and referred to the Committee on School Districts.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. DeBerry, House bills Nos. 176 and 301 were ordered not printed.

On motion of Mr. Dale, House bill No. 58 was ordered not printed.

On motion of Mr. Montgomery, House bill No. 186 was ordered not printed.

On motion of Mr. Lane of Hamilton, Senate bill No. 182 was ordered not printed.

On motion of Mr. Bryant, House bill No. 294 was ordered not printed.

On motion of Mr. Kittrell, Senate bills Nos. 84 and 7 were ordered not printed.

On motion of Mr. Irwin, Senate bill No. 6 was ordered not printed.

#### RELATING TO DESTRUCTION OF CROPS BY BOLL WORM.

Mr. Wallace offered the following resolution:

H. C. R. No. 6, Relating to destruction of crops by boll worm.

Whereas, The Thirty-eighth Legislature of the State of Texas appropriated \$439,946.50 to pay claims of cotton farmers for losses sustained during the years 1918, 1919 and 1920 by reason of non-cotton zones being established in certain parts of the State because of the infestation of the pink bollworm,

and farmers in said zones were prohibited by the State from planting cotton and sustained said losses; and

Whereas, The Federal Horticultural Board recommended the establishment of these non-cotton zones as the best means of eradicating the pink bollworm and protecting the cotton industry, and therefore assumed a part of the responsibility for the losses sustained by the farmers; and

Whereas, The Federal government has recognized such responsibility by the passage of a joint resolution by Congress, August 9, 1921, authorizing the expenditure of \$200,000 from the pink bollworm appropriation for that year to reimburse States up to one-third of their expenditures in compensating cotton farmers for their losses for that year; and

Whereas, The Federal government has reimbursed the State of Texas for approximately one-third of the amounts paid to cotton farmers in non-cotton zones for losses incurred for the years 1921 and 1922; and

Whereas, The State of Texas has paid out the sum of \$439,946.50 to reimburse cotton farmers in the non-cotton zones for losses sustained during the years 1918, 1919 and 1920, and the Federal government has not reimbursed the State for its pro rata part of these claims; and

Whereas, The justice of these claims was recognized by the late Secretary of Agriculture, Henry C. Wallace, and the amount of \$115,336.66 approved by him as due the State of Texas was submitted to the general accounting offices of the Treasury Department, but was not paid for the reason that the joint resolution of August 9, 1921, did not specifically authorize the payment of claims for years prior to 1921, though recognizing that these claims stood upon the same basis and were for the same purpose as those paid by the government for the years 1921 and 1922; therefore, be it

Resolved by the House of Representatives of the Thirty-ninth Legislature of the State of Texas, the Senate concurring, That the United States government justly owes the State of Texas the sum of \$115,336.66, which amount was approved by the Secretary of Agriculture, and which has not been paid by the Government.

Resolved further, That the Senators and Representatives in Congress from Texas be requested to use their best ef-

forts to secure an appropriation to pay this claim to the State.

Resolved further, That a copy of this resolution be mailed by the Chief Clerk of the House to each of our Senators and Representatives in Congress.

Signed—Wallace, Merritt, King.

The resolution was read second time and was adopted.

#### RELATING TO THE INTERSTATE COMMERCE COMMISSION.

Mr. Albritton offered the following resolution:

H. C. R. No. 7, Relating to Interstate Commerce Commission; requesting and demanding the repeal of the Esch-Cummins Law and the Transportation Act passed by Congress in 1920 or the modification of such acts by the reduction of the present passenger rates and freight rates upon farm products and live stock.

Whereas, The present passenger rates and freight rates for shipment of grain, other farm products and live stock by the railroads are excessive and of such a nature as to render the prices received by the producers of such commodities less than the cost of production; and

Whereas, Several efforts have been made by the Railroad Commission of the State of Texas to secure reductions that are just, equitable and fair to the traveling public and for the preservation of the great industry of agriculture and live stock and the State of Texas; and

Whereas, The rates now in force are far in excess of the rates in force prior to 1918; and

Whereas, Such passenger rates and freight rates on all farm products and live stock are a great burden to the people of the State of Texas; be it

Resolved by the House of Representatives, the Senate concurring, That it hereby in behalf of the people of the State of Texas, requests and demands that the Congress of the United States, by appropriate legislation or otherwise, and the Interstate Commerce Commission and all other bodies of the Federal government having in their power or discretion to repeal, or modify, reduce, revise or amend the present passenger and freight rates, perform such duties as to comply with the requests of the people of the State of Texas, and thereby remove this burden and menace to the prosperity of the people and welfare of the agricultural and live stock inter-

est of the State of Texas; and be it further

Resolved, That copies of these resolutions be prepared by the Secretary of State and forwarded to our Representatives and Senators in Congress, to the Secretary of the Senate, and the Chief Clerk of the House of Representatives of the United States, to the Interstate Commerce Commission and to His Excellency, the President of the United States, Calvin Coolidge.

Signed—Albritton, Webb, Stell.

The resolution was read second time.

On motion of Mr. Young, the resolution was referred to the Committee on Common Carriers.

#### RELATING TO SALARY OF ASSISTANT JOURNAL CLERK.

Mr. Baker of Panola offered the following resolution:

Resolved, That the compensation of the Assistant Journal Clerk of the House be increased from \$5 to \$7.50 per diem.

The resolution was read second time and was adopted.

Mr. Fields moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 89 ON ENGROSSMENT.

Mr. Acker called up for consideration at this time the motion to reconsider the vote by which House bill No. 89 failed to pass to engrossment, which motion to reconsider had heretofore been spread on the Journal and due notice given that same would be called up for consideration today.

Question recurring on the motion to reconsider, it prevailed.

The Speaker then laid before the House, on its passage to engrossment,

H. B. No. 89, A bill to be entitled "An Act amending Article 3609, Chapter 29, Title 52, Revised Civil Statutes of Texas, 1911, relating to the management, control and disposition of community property by the wife of a deceased or insane husband, and repealing Article 3611, Chapter 29, Title 52, Revised Civil Statutes of Texas, 1911."

Mr. Barron offered the following amendments to the bill:

(1)

Amend Section 1 by striking out all of said section after the comma following the word "husband" in the twentieth line and adding the following: "and un-

til she shall, in the event of the death of the husband, marry again, and in such event her right to manage, control and dispose of the community property shall cease; provided, however, that when no administration is had upon the estate of the deceased husband, as is provided under Article 3611, Chapter 29, Title 52, Revised Civil Statutes of Texas, 1911, she may renew, and extend the maturity date, of valid existing debts of the community estate, and any lien securing same."

(2)

Amend House bill No. 89 by striking out all of Section 2.

(3)

Amend the caption by striking out all after the words "insane husband," in line 10 of caption, and adding the following: "providing for the renewal, and extension of the maturity date of community debts and liens securing same."

The amendments were severally adopted.

House bill No. 89 was then passed to engrossment.

#### COMMITTEE IN REGARD TO STATE SONG.

The Speaker announced the appointment of the following committee in compliance with S. C. R. No. 9:

Messrs. Dunn of Hopkins, Merritt, McNatt, Teer and Brown.

#### REPORT OF TEXAS ELEEMOSYNARY COMMISSION.

Mr. Wallace submitted the following report and asked unanimous consent of the House that the same be printed in the Journal of today and also that 500 extra copies of the House Journal of today be printed for use by members of the House.

There was no objection offered.

To the Hon. Miriam A. Ferguson, Governor of Texas, and to the Honorable Members of the House and Senate of the Thirty-ninth Legislature of Texas:

We, your duly appointed Texas Eleemosynary Commission, beg leave to make the following preliminary report and recommendations. A full, detailed report, including the full reports of the scientific investigators who have studied certain of our eleemosynary institutions under our direction during the past year, will be presented in a few days.

Origin and Purpose of This Commission.—The Thirty-eighth Legislature established the Texas Eleemosynary

Commission for the purpose of studying the eleemosynary institutions of the State, in the hope of finding better and more economical methods of conducting the State's eleemosynary institutions and, especially, for the purpose of seeking out means of preventing in future, as far as possible, dependency and delinquency.

The number of dependents and delinquents and the cost of their care have been increasing alarmingly from year to year, and this increase seemed destined itself to increase in the future. To anyone at all familiar with the facts, it was obvious that our present institutions were poorly equipped and were not meeting the eleemosynary problem at its source at all. Practically no effort was being made to seek out and remedy or remove the causes of the dependency and delinquency. The State was merely providing asylums, reform schools, poor-houses, and penitentiaries to receive and hold the constantly increasing members of human physical, mental, and moral wrecks found in our State.

It was felt by the authors of the resolution establishing this Eleemosynary Commission\* that it was high time to seek out in a dispassionate, scientific, and business-like way the causes which were producing this constantly increasing burden of dependency and delinquency, and to make an effort to apply to our eleemosynary problem the best scientific knowledge about the causes, the remedies, the means of prevention of insanity, feeble-mindedness, disabling illness, and criminal tendencies.

Composition of the Commission.—The Commission, composed of two members of the House, two of the Senate, and five laymen, appointed by the Governor, was called together by Governor Neff, November 5, 1923.†

\*See Appendix A.

†Hon. J. G. Strong and Hon. J. W. Thomas were appointed by Lieutenant Governor T. W. Davidson to represent the Senate; Hon. C. E. Beasley and Hon. Jno. F. Wallace were appointed by Speaker R. E. Seagler to represent the House; and Mr. Nat Washer of San Antonio, Mr. Elmer Scott of Dallas, Mrs. Josephine Daniel of Austin, Mrs. Robert Browning of Terrell, and Dr. A. Caswell Ellis of Austin were appointed by Governor Pat Neff. The Commission elected Hon. C. E. Beasley chairman; Hon. Jno. F. Wallace, vice chairman, and Dr. A. Caswell Ellis, secretary.

The Commission Left Without Funds by the Legislature.—Unfortunately, not a penny of funds was provided by the Legislature for the use of this Commission, not even for postage or the necessary traveling expenses of the members. It was decided by the Commission that nothing would be done at all, unless some national or local philanthropic agency would undertake to furnish the funds and experts necessary to make the scientific studies needed to find what were the actual conditions and problems present. The Commission was unanimous in the opinion that studies made by well meaning but inexperienced laymen had shown themselves to be quite as apt to be harmful as helpful.

The Complete Eleemosynary Problem of Texas.—A moderately complete survey of the eleemosynary problem assigned to this Commission would involve studies of the following:

1. The two State schools for delinquent boys and girls, the several similar county schools, the juvenile courts, and the various conditions and causes producing delinquency, as well as an investigation of the means of removing the causes and curing the delinquents.

2. The orphan asylums, public and private, the child-placing agencies, illegitimacy, marriage and divorce laws, and other factors involved in producing or remedying juvenile dependency.

3. The hospital facilities, health laws, medical service, sick-benefit insurance, old-age pensions, poorhouses, homes for aged, and other matters related to dependency caused by ill health or old age.

4. Child labor and child labor laws, provisions for playgrounds and amusement, the work of the schools as a preparation for economic efficiency, medical inspection, mental hygiene in the schools, and schools for defective classes, and similar matters related to delinquency and dependency, both juvenile and adult.

5. The asylums and other provisions for handling the insane and epileptic, the institutions for the care and training of the feeble-minded, and the other factors involved in a rational plan for caring for the mentally sick or defective and for promoting mental health and hygiene in our State.

This Commission Studied Only the Problems of the Insane and Feeble-minded.—In none of the first four fields mentioned above was the Commission able to do any work, because it had no funds with which to work, and was not able to interest private agencies in

regarding Texas as an object of charity in these regards.

National Committee for Mental Hygiene and the Buchanan Foundation Supply Funds and Experts.—In the fifth division, the care and prevention of insanity and feeble-mindedness, the Commission succeeded in interesting the National Committee for Mental Hygiene of New York City and the Buchanan Foundation of Texarkana, Texas. The Buchanan Foundation generously donated \$5000 towards the expense of a mental hygiene survey of 3300 typical Texas school children, and the National Committee for Mental Hygiene contributed more than \$10,000 of its own funds, and planned and executed mental hygiene surveys of the 3300 school children, of the inmates of the penitentiary, of the State schools for delinquent boys and girls, of the State orphans' homes, and of the jails and almshouses in eighteen typical counties. In addition, it made a thorough institutional-management survey of the five State asylums, the epileptic colony and the colony for the feeble-minded.

All of these studies were conducted by impartial, thoroughly trained psychiatrists, psychologists, social workers, and institution managers, each an expert of national reputation in his line.

Purpose of Surveys Constructive, Not Fault Finding.—It was not the purpose of these experts, nor of the Commission, to merely uncover defects and find fault, but to see what the problems are and how far we are meeting these problems; and to work out a constructive plan for caring for our insane and feeble-minded economically and effectively; and at the same time to get at the causes which are producing insanity and feeble-mindedness and provide means of removing as far as possible in the future such causes.

Eight Months of Scientific Study by Experts.—After about eight months of careful study on the ground by four nationally distinguished experts and their six trained co-workers, the facts about our present care for the insane and feeble-minded are fully in hand, and a plan has been worked out that will in the long run cost less and produce results vastly superior to those now coming from our present methods of caring for these classes.\*

\*Dr. Thomas H. Haines, Director of the Division of Mental Deficiency of the National Committee for Mental Hy-

The Jails, Reform Schools, and Penitentiary.—In the penitentiary, the schools for juvenile delinquents, and the jails very similar conditions were found. Only from 15 to 32 per cent of the inmates have normal minds; about 30 per cent class as dullards or border line cases; 10 to 30 per cent are feeble-minded; 5 to 10 per cent are crazy; about 4 per cent are epileptic and about 25 per cent belong to the unbalanced, uncontrolled classes, called psychopathic and psychoneurotic, who are not crazy but are the cranks, the hystericals, those lacking emotional control, and with other personality difficulties which lead them constantly into trouble. These are the repeaters, having often been convicted, as we found, from four to eight times. Thus, it appears that fully half the inmates of our penitentiary are in need of special mental care and treatment by experts in mental hygiene. The feeble-minded need a special type of manual training by which alone they can be made partially self-sustaining and, after that, they need permanent detention and care in an entirely different kind of institution from a jail or penitentiary. The insane need, of course, treatment by specialists in a hospital for mental diseases. The psy-

giene, first met with the Commission on January 15, 1924, and laid out the plans for this mental hygiene survey. He has had the general oversight of all the work, and the selecting of the staff of experts for field work. He also met with the Commission again on January 6, 1925, and assisted in interpreting the data on hand, in planning this report, and in preparing the needed bills that are presented herewith. (See H. B. No. 249.) The survey of the penitentiary was made by Dr. Ralph M. Chambers, Director of the Division for the Examination of Prisoners in the Department of Mental Diseases in Massachusetts, assisted by three psychologists and social workers. The institutional survey of the six asylums, the epileptic colony, and the colony for the feeble-minded was made by Dr. Geo. M. Kline, Commissioner of Mental Diseases of Massachusetts. The survey of the 3300 school children was made by Dr. E. V. Byman of the Pennsylvania State Hospital of Philadelphia, assisted by Dr. H. E. Chamberlain of Bloomingdale Hospital, New York, and by Dr. Katherine Murdock and Miss Coronal Thomas, psychologists.

choneurotics and psychopathics should have had their difficulties corrected when school children. Then much could have been done by the psychiatrist, the psychologist, and the habit clinic. Now the cases are very hard to handle and most of them will probably continue their careers of crime till the end. Still, something can yet be done, as more than half the jail and penitentiary population are under thirty years of age, and a large per cent are under twenty years of age. Your Commission approves the establishment of a psychiatric hospital, under a skilled psychiatrist, for the criminal population, as recommended by the Texas Committee on Prisons and Prison Labor; and we shall present for your consideration further along in this report a plan for attacking this serious social menace at its source in the early school days and preventing in future, at an age when it can be done, a large per cent of this crime and accompanying loss.\*

The Orphans' Home.—While a complete mental hygiene survey was made of the inmates of the Girls' Training School at Gainesville, of the Juvenile Training School for Boys at Gatesville, of the orphans' homes at Corsicana and Waco, no funds were available to make additional institutional and education surveys needed as a basis for intelligent estimates of efficiency or for rational planning of improvements. Your Commission, therefore, has no recommendation to make with regard to these institutions, except to urge that provision be made for a complete study

\*The expense of the mental hygiene survey of the inmates of the penitentiary was borne jointly by the Texas Committee on Prisons and Prison Labor and the National Committee for Mental Hygiene, and the work done under the auspices of the Texas Committee on Prisons and Prison Labor. As the facts uncovered by the survey were needed to complete the picture of the mental hygiene aspects of our general eleemosynary problem, we have summarized them here. We wish to acknowledge our indebtedness to the Texas Committee on Prisons and Prison Labor and give our hearty endorsement also to the wise plans recommended by them for increasing the effectiveness of our penitentiary system, since a rational handling of the penitentiary problem is one very effective means of reducing the eleemosynary burden of the State.



of these institutions by qualified experts similar to that we have had made this year of our asylums and of the problems of mental hygiene. A very superficial study of the rapidly mounting costs of these institutions, and especially of the obviously antiquated plan of handling the orphan problem, makes it seem highly probable that the failure to study scientifically these institutions and the problem they are intended to meet may cost the State tens of millions of dollars in years to come, just as our antiquated methods of handling the problems of mental health have already cost the State tens of millions, and will inevitably cost tens of millions more of needless expense, even if wiser plans are begun this year, as we hope will be the case. For example, while the numbers in our orphan asylums have mounted rapidly year by year, other communities, using properly managed and supervised child-placing agencies, have greatly reduced their expenses for orphan asylums, and given thousands of children good homes and loving foster parents, which are both less expensive to the State and more efficient than any kind of public institution.\*

**Poor Farms and Almshouses Should Be Abolished.**—The examination of the county poor farms and almshouses brought out the interesting fact that there is not a single poor person among the 148 inmates studied; that is, no one there is merely poor. These institutions are filled with the following classes: aged people suffering with dementia or some chronic disease that incapacitates them for work; people that are crazy or feeble-minded (over half of the total), together with the little

children belonging to these, and a few who are incapacitated for work by tuberculosis or old cases of syphilis. All of these are mixed together in one institution, which is in no way prepared to care properly for a single one of them. The sick should, of course, be sent to the appropriate hospital, and made well to support themselves; the demented and insane should be cared for in properly equipped asylums, and the feeble-minded should be trained in a school for feeble-minded so as to learn some forms of manual work and then be cared for in an institution that would not allow the women to multiply their kind annually, as is now too often the case as they leave and re-enter these homes from year to year.

In short, our poor farms are doing no useful service whatever, unless it be considered useful to temporarily hide from our sight the aged, the insane, the feeble-minded, the syphilitic, and the tuberculous and mix them in one house with no proper care of either class, no treatment likely to rehabilitate them, or even to ease their pains efficiently and protect society from them.

Poverty is not a disease or a crime; it results from various kinds of mental or physical incapacities and environmental injustices. The only rational way to handle it is to search out in each case the cause of the trouble and then work on the cause, whether it be disease, insanity, feeble-mindedness, old age, or economic injustice.

Poorhouses are relics of medieval ignorance and largely a waste of money. They should be abolished and their inmates sent to institutions suited to their several needs.

#### The Insane and the Feeble-minded.

**Asylums Humanly Conducted, But Inefficient.**—Our investigators found that our asylums were conducted, on the whole, humanely, and probably about as effectively as could be expected under existing conditions. The patients are treated kindly and are, on the whole, fairly well nourished and housed. The men and women employed are in the main faithfully struggling with the impossible tasks assigned to them, and are, as a rule, about as competent as we can expect to secure for the wages paid and conditions of service imposed. But anything approximating even moderate efficiency in the problem of handling the insane is out of the question until rad-

\*The Commission is greatly indebted to Dr. Hastings H. Hart, Director of the Department of Child Helping of the Russell Sage Foundation, and Dr. C. C. Carstens, Director of the Child Welfare League of America, for meeting with the Commission and for outlining admirable plans for the study of the reformatories, the orphan asylums, the child-placing agencies, and the juvenile courts. The organizations which they represented generously agreed to bear a large part of the expense of this much needed work, but its own entire lack of funds made it impossible for this Commission to make use of these generous offers. It is greatly to be desired that these studies be provided for in the near future.

ical changes are made in the present Texas plan.

**Nothing Being Done for Prevention.**—Our present plan is doing absolutely nothing looking towards the lessening in the future of the rapidly mounting numbers of insane and rapidly increasing cost of caring for them; and is doing a minimum in the way of curing and rehabilitating those already insane. All of the asylums are full and there are probably nearly a thousand insane now in the jails, penitentiary, and almshouses, besides large numbers of mild cases still with their families. Each Legislature for many years past has had to enlarge the asylums to empty the jails and almshouses. Unless a change in our plan of handling the insane is adopted, this hopeless, expensive procedure will be repeated indefinitely. But this can be avoided by a more rational system of handling the problem of mental hygiene.

**The Four Primary Essentials of Effective Handling of Insane All Practically Absent.**—All informed authorities on mental troubles agree that the following four things are essential to the economic and effective care of the insane:

1. Early recognition.
2. Careful diagnosis by skilled psychiatrists and psychologists.
3. Prompt treatment, mainly by means of mental and occupational therapy in the hands of those specially trained to administer these.
4. The use of skilled psychiatric-social workers in hunting out the history of the cases for the use of the psychiatrist in diagnosis and in giving mental treatment, and in following up the cases in the early months of parole to prevent relapse.

Texas is, practically speaking, without any of these four most essential things.

**Early Recognition.**—First: No regular courses and clinics in psychiatry are provided at any medical schools in the State, hence, our general physicians are untrained in looking for and detecting the early stages leading up to insanity at the time when many cases can be prevented; therefore, the chances of early recognition and prevention are lost.

**Accurate Early Diagnosis.**—Second: There are no psychiatric hospitals, except expensive, private ones, in the State, and, hence, an unfortunate person about to lose mental balance must, ac-

cording to Texas laws, wait until "crazy" and be "convicted" of insanity in a court trial like a criminal, and then sent to an asylum in charge of an officer. After arriving, the patient is given no scientific diagnosis by a trained psychiatrist, because there is not a single specially trained psychiatrist employed in any State asylum. The depressed or excited patient is usually put into the ward with scores of other patients with various stages, or varieties of insanity, drivelling demented, ranting maniacs, depressed melancholiacs, and those with varied delusions and in various repulsive stages of mental and physical deterioration. The patient is placed in this awful environment for the simple reason that no psychiatric receiving hospitals for early cases and hopeful cases have yet been provided at our asylums.

**Prompt Treatment Impossible.**—Here, in the worst possible environment for him the patient is left. He will in a few days be looked over, not by a trained psychiatrist, but in most cases by some former general practitioner who was a friend of some Governor and was either missionary enough, or hard enough for a job, to accept \$1800 to \$2400 a year as an assistant physician, or by some inexperienced young graduate of a medical school looking temporarily for experience and a little ready cash. There is no social worker to go out and get information from the home, needed for both diagnosis and treatment of the patient, there is no psychiatrist to make the diagnosis, and even the well-meaning young interne or the kindly general practitioner present can give the patient but a casual examination, because he has from 400 to 600 other patients under his care, all of whom the law requires him to see every day. The superintendent, who in no case in Texas is a specially trained psychiatrist, could do little diagnosis if he were, because the burden of the numerous administrative duties of a large asylum are about all one man can carry.

The above is, we believe, a fair and an accurate statement of conditions as reported to us by disinterested psychiatrists and institution managers of national reputation. As pitiable as are these conditions, your Commission would place the major part of the blame not upon those in charge, but upon those who are making such conditions unavoidable. How can Texas hope to employ trained psychiatrists for around \$2000 per year when elsewhere they are

paid from four to ten thousand; how efficient a mature doctor do you think will give his whole time for long for from \$1800 to \$2400 per year? How long do you think a bright, highly trained, young medical graduate will continue to work for that salary and live without any family life in the building with lunatics day and night, week days and Sundays, as is now required?

**Almost No Mental or Occupational Therapy.**—Third: There is practically no organized mental therapy along modern lines attempted in any of our asylums; and, of the more than eight thousand patients, only about forty in the asylum at San Antonio receive any organized occupation therapy. In all the asylums, some patients are helped by doing certain parts of the routine work of the asylum. This is valuable but reaches only a few and is in no way a substitute for occupations designed especially for giving the stimulations and diversions needed by particular patients.

**No Psychiatric-Social Work.**—Fourth: There are no trained psychiatric-social workers employed in any Texas State asylum. Therefore, patients are diagnosed with no knowledge of their past history except the meagre and usually useless court record, and such additional information as the insane person himself can give. Then, when the patient has cleared up sufficiently to be paroled, there is no one to see what kind of environment he is going into or to help improve that environment and help the patient adjust again to normal life. For this reason, the sending out of patients is now a more or less blind venture. Many soon have to return again, and many others disappear or get into crime. This makes it impossible to get any statistics worthy of credence as to the numbers cured. Any statistics of cures where there are no means of following up the patients for some time are necessarily entirely undependable.

**Present Conditions Not to Be Blamed So Much on Men in Charge as on the System.**—Certainly the above conditions are a reflection upon both our intelligence and our humanity, and should not be tolerated. The chief blame should be placed not upon the men and women who are doing the best they can under impossible conditions, unless one should blame them for not having made more vociferous demands even after their very modest requests were turned down.

**One Hundred and Forty Thousand Years of Board and Care Already**

**Pledged.**—Not only does our common humanity cry out, but every consideration of economy demands radical change. There are now nearly 10,000 insane and feeble-minded in our State institutions. Most of these, largely because of early neglect, are already beyond hope of cure. There are no complete, accurate statistics, but such records as are available suggest that each of these patients before he dies will have lived at the expense of the State an average of fourteen years. Several have already lived in our asylums for more than fifty years. This means that one hundred and forty thousand years of board and care have to be paid for by the State. As these institutions are costing more than a million and half dollars per year, there are twenty to thirty millions of dollars already gone or pledged, besides the loss to the State of the productive capacity of ten thousand who are insane and of nearly a thousand more who are caring for them. In the opinion of those best qualified to know, the adoption of the plan we shall now recommend would have saved the State from a third to a half of those monetary losses, to say nothing of the alleviation of unspeakable human woe in thousands of families.

#### Recommendations.

Your Commission would recommend that the following be done at once:

**First: Change Name of Each "Asylum" to "State Hospital."**—The name of each of the asylums and hospitals for the insane should be changed simply to that of "State Hospital," with the appropriate local descriptive adjective attached. It is a needless injury and humiliation to both patient and family to have to address and receive all mail in care of a "Lunatic Asylum" or "Hospital for the Insane."

**Second: Change Commitment Law.**—The present commitment law should be so changed that court jury trials will be used only when demanded, and so that patients in early stages of threatened mental breakdown may with proper safeguards be received for observation and treatment temporarily, without being officially and legally adjudged insane at all. In order not to place the stigma of legal insanity upon their loved ones, the family now usually delays having a threatened nervous breakdown treated until it is too late to prevent the collapse. A very large per cent of these collapses could be prevented if taken in time.

Third: Establish Small Psychopathic Hospitals Near Medical Schools at Galveston and Dallas.—There should be established a small psychopathic hospital under a skilled psychiatrist and adequate staff at Galveston and a similar one at Dallas. These should be small, with only about fifty beds each. They should handle only the early-stage and the hospital cases, each for its district, transferring as soon as properly diagnosed all hopeless cases to one of the regular State hospitals for insane.

The staff of these hospitals should provide clinical instruction in insanity for the medical schools located in Galveston and Dallas and thus insure a future supply of Texas doctors capable of recognizing and handling properly the early stages of threatened mental breakdown.

In addition, these hospitals would take care of large numbers of patients in these two large population centers, and by treating them early and near home would by a few weeks' or by a few months' treatment save the State the expense of caring for about 50 per cent of these patients the rest of their lives in an asylum. Experience with such psychopathic hospitals in Michigan, Massachusetts and Maryland has shown that more than half the patients can be restored to useful lives. While the cost per bed of a properly equipped and manned psychopathic hospital is higher than the cost of adding an equal number of beds at one of the present asylums, the saving through increased efficiency is very great. The patients are not sent to the hospitals to be taken care of permanently, but to be cured and sent back. Many even are treated by the staff without coming to the hospital at all. Those that are received usually stay only a few weeks or months. The Boston Psychopathic Hospital with only 110 beds handles about 2500 patients per year, including the out-patients.

Fourth: Build Small Psychopathic Hospital as Receiving Building at Each Asylum.—There should be established at each present asylum, or hospital for the insane, a small psychiatric hospital as receiving station for all new patients and for any old patients that show evidence that they would profit by the special treatment provided in such a psychopathic hospital. This building should be entirely apart from the main asylum buildings and so placed that the new and the recovering patients in it would not be brought into contact in any way with the chronic and

the hopelessly degenerated cases in the main asylum buildings.

This psychopathic, receiving hospital, should be in charge of a skilled psychiatrist and adequate staff, working under the general administration of the superintendent. This psychiatrist would not only hold daily clinics for diagnosis and treatment of both new and old patients, but would give psychiatric training to the present and future members of the hospital staff, and arrange for proper training of the nurses and orderlies—thus greatly raising the morale and efficiency of the existing staff of the asylum. Without some such arrangement as this, there is no visible hope of ever securing early and scientific diagnosis and treatment, or of securing for the salaries we are likely to pay a specially trained staff of either physicians or nurses for our hospitals for the insane.

If the new patients are kept apart in an environment that is hopeful and given scientific treatment, people will not continue to hold their loved ones away until all hope of recovery is lost. If any old patient begins to clear up, as they do occasionally, the chance of final recovery would be greatly increased if he were taken over to such psychopathic hospital.

The psychiatrists and psychologists connected with these psychopathic hospitals, as would be the case with those in the Dallas and Galveston hospitals suggested above, could also be of service to some patients outside the hospital without burdening the State with the keep of these patients. This is done with the aid of the psychiatric-social-worker, about whom we shall speak a little later.

The staffs of these psychopathic hospitals could also render some aid here, as they do in Massachusetts, to the school authorities in the diagnosis and handling of the problem cases of childhood which now so frequently become the insane and the criminal problem cases of adult life. This work will be referred to more in detail in a later paragraph of this report.

Fifth: Establish Expert Central Supervising Division Under the Board of Control.—There should be established under the Board of Control a Division of Mental Hygiene in charge of a highly trained psychiatrist of national reputation and with successful experience in institutional management. The purpose of this division would be to supervise and co-ordinate in an expert manner the work of all the institutions dealing with mental health and defect.

This psychiatrist would do for the

several asylums what the school supervisor and superintendent do for the several schools of a school system. He would help find the expert staff needed at each institution, supervise the plans for training the several local staffs, for the keeping of records, the holding of clinics, and the other strictly professional aspects of asylum work, with the view of promoting efficiency.

There should also be a business department under the psychiatrist working in this division. This department would similarly supervise the business management of the several institutions. It would install uniform and more adequate keeping of accounts, such as stock and waste accounts; provide dietetic surveys and work out better balanced and more economical dietaries; provide expert advice on gardening and trucking and dairying with the view to producing a much larger part of the food consumed and giving more of wholesome occupation to patients who need it; and collect from those families that are able to pay such part of the expense of the care of their insane as is fair and in accordance with the law of the State.

**Massachusetts Saves a Million Dollars a Year by Work of Central Board.**—Massachusetts by a similar central division has not only greatly improved her hospital work, but now raises about \$800,000 per year from the well-to-do families of the insane. The appropriation required for food there was cut \$250,000 per year by the changes made as a result of the dietary studies.

**Texas Could Save Several Hundred Thousand.**—This Commission is convinced that such a central, supervisory Division of Mental Hygiene, if properly manned as recommended above, would not only pay all of its own expenses but would save and turn over to the State several hundred thousands of dollars per year. Its greatest value would, however, be in the increased efficiency of the institutions through better direction and co-ordination of effort.

This Division of Mental Hygiene should be given wide authority and held responsible for results, and not hogtied by well-meant but handicapping restrictions and regulations placed upon them by the inexpert. For example, unless the Board of Control is allowed to pay a salary large enough to command the services of a real expert of national reputation as head of the division it would be better not to establish the division at all. Having such an expert to direct this highly technical work, it is absurd for the inexpert to tie him up so that he

cannot make use of his intelligence and training.

**Sixth: Need for More Mental and Occupational Therapy and for Psychiatric-Social Workers.**—If the above five things are properly provided for, nearly everything else needed will be taken care of by these much better than it is possible for a temporary, inexpert commission or Legislative committee to do. If the above are not provided for, it makes little difference what else is done. The matters that we shall next mention are given here only for the information of the Legislature as we believe that they can be better cared for by regulations coming from the proposed Division of Mental Hygiene than by special legislative enactment.

The work of our asylums will be seriously defective until adequate provision is made for mental and occupational therapy, and psychiatric-social work. These are so closely related that we shall treat them together very briefly. Modern studies of the insane have greatly improved our knowledge of how insanity is caused. It is still recognized that much insanity is caused by actual injury from disease or otherwise of the brain, which can be handled, if at all, only by surgical or definite medical treatment aimed at the producing cause. But it is also recognized now that there are definite mental complexes or "splinters" which, figuratively speaking, get stuck into the mind, and cause injury there, and need to be removed by mental treatment as definitely as we need to pull splinters out of our body. In order to give such mental treatment most effectively, it is necessary to know what idea or complex it is that has caused the trouble. Also, before sending the patient back to the world, it is necessary to know what environment he is going into and to see to it that he does not go straight into the very circumstances that started the trouble before.

For this work the psychiatric-social worker is used by the psychiatrist in securing the needed information about the history of the patient's trouble and in preparing the environment for his reception on return and in helping patient and family to adjust wisely. Undoubtedly the psychiatric-social worker should be introduced into our asylums, but this can be taken care of by the budget and needs no further law.

Another contribution to the treatment of insanity which has been developed enormously, especially since the world war, is occupational therapy, or the use of occupations as a means of

helping along the cure of mentally sick patients. The occupations are used both for providing mental and physical diversion, which are badly needed, and for stimulating the use of certain nerves or certain functions that may be in especial need of exercise. Occupational therapy has proven its value both in the care and the cure of the insane and should be provided for in our State asylums and hospitals to the fullest extent. This also needs no law, as it can be taken care of in the budget.

**Seventh: Experimental County Units for Handling Problem Cases in Public Schools.**—The above measures are aimed primarily at adults. The better knowledge gained in recent years has shown that much insanity, inefficiency, and criminality of adult life had its beginning in days of early childhood, and if treated then by proper hygiene, mental and physical, would have been cured, instead of being allowed to develop into mental or moral disease.

**Child-Guidance Clinics.**—Some of the more progressive States and communities are now providing means for taking in hand in time those children who are starting on the road toward psychoneurosis, insanity, or criminality and careers in one of more State institutions. Massachusetts attempts to provide care for the whole State. Most other provisions are of a local nature. The city of Dallas has in its Child-Guidance Clinic, one of the outstanding organizations of its kind in America. In Massachusetts it is required by law that all children in school three years behind their proper grade shall be reported to the State division of mental disease, as their central division is called. A psychiatrist and psychologist and social-worker, either from the division headquarters or from a neighboring asylum, soon visit each town and examine each case reported and also any special school problem cases even though they may not be three years behind grade.

In this way, the feeble-minded are culled out and sent to a school prepared to handle them; or, where there are enough to justify it, a special room and special teacher and equipment are provided in the school system to take care of these locally and relieve both them and the regular classes. Those children needing operations for adenoids or gland treatment or other medical or surgical aid to normal development are turned over to the proper local authority for this. The "queer ducks," the psychopathics and psychoneurotics, who need different kind of control are studied

individually. The home is studied and parents are informed and, as far as possible, educated as to the handling of these uncontrolled, unbalanced, unstable cases. The case is put in the hands of the local child-guidance clinic. Sometimes parent and child report regularly for some time to this local child-guidance clinic. It may at times even be necessary to take the child temporarily out of his home. Whatever is necessary and possible is done now by the local child-guidance clinic to carry out the work begun by the State psychiatrist.

The reports of the results of this examination of problem cases among school children and the treatment of these by local child-guidance clinics show that much good is being accomplished by this means in the direction of saving to society many useful men and women who otherwise would have almost certainly developed into criminals or asylum inmates.

Texas is so large, the needed co-operative agencies so few, and methods of handling this work in a primarily rural State and so undeveloped that your Commission does not feel justified at this time in recommending the adoption in Texas of a plan similar to that in operation in Massachusetts. However, if we propose ever to work out an efficient and economical plan of handling the problems of delinquency, dependency, and mental disease at their source, we must find a way to catch in childhood the children who are then starting the habits and psychoses that will lead to insanity and criminality. Waiting for some other rural State to learn how and then show us is both an ignoble acknowledgment of inferiority and a sure way to postpone the solving of our own problem till millions of money are lost forever by our inefficiency. Your Commission, therefore, recommend that a small sum be set aside to be granted to any county that will give an equal amount to start an experimental unit which should have for its purpose the provision of medical and mental inspection of the entire public school system of the said county, and the provision of a child-guidance clinic at the county seat or some suitable place for directing the treatment of such problem children as are found in the public schools.

**Texas Can Show the Way.**—No State has yet attempted to work out a system of giving the benefits of the science of mental hygiene to the small-town and rural population of a county. Child-

guidance clinics are scattered from Boston to San Francisco, but all are in the cities. The mental examination of the 3300 rural school children in eleven different counties in Texas, and the experience of the Dallas clinic give Texas a preparation for attacking this problem that is unique. The members of your Commission who followed the work of the traveling unit for three months in Texas believe that a feasible plan can be developed for placing child-guidance clinics in some town in each populous county, with a group of experts who go out and inspect schools and co-operate with the teachers and parents through advice, habit clinics, and otherwise in handling problem cases among the children before they are lost forever. Our study showed that not less than six per cent of the rural school children of Texas need serious attention, while many more would greatly profit by it.

It is not the view of this Commission that either now or in the future the entire expense of this work should be borne by the State. It is our view that the State must, and should, co-operate with a few of the more progressive counties now in working out an effective and economical plan of giving the benefits of skilled help to teachers and parents in handling the problems of mental hygiene in the schools of a primarily rural State. Here is a great opportunity for Texas by the investment of a few thousand dollars to render a great service to her own people and to the world. The details of such a plan should be left to be worked out by the proposed Division of Mental Hygiene, working in co-operation with the Department of Education.

**Bills Have Been Prepared by the Commission.**—In order to facilitate any effort to carry out the recommendations herein made, your Commission has had drawn bills which we believe embody in the most advantageous way possible the recommendations made. These bills are placed in the hands of the two members of this Commission who are serving in the Thirty-ninth Legislature, and are presented for your consideration in House bill No. 249.

**Eighth: Prevention.**—All of the above recommendations have to do mainly with the more efficient and economical handling of mental disease and defect after these have appeared. We believe that by the adoption of the measures recommended above the State will in future be saved millions of dollars of needless

expense that will be piled up if the present plan of handling mental disease and defect is continued. In addition, this new plan will save to society thousands of useful citizens who would otherwise spend their days in our insane asylums, poorhouses, jails and penitentiaries. But the above plan does not solve the problem of preventing the transmission to future generations of insanity, or of weaknesses that make insanity easy to acquire.

**Sterilization Laws and Marriage Laws.**—Your Commission has made every investigation that was in its power, handicapped as it was by lack of funds, to discover effective means of preventing insanity. From the half dozen experts of national reputation and wide knowledge and experience whom we have consulted, we have received no definite aid. It would seem that rigid sterilization laws and marriage laws should offer the greatest hope. Yet the only point on which all the experts agree is that sterilization laws now in force in several States are admitted failures. There is still doubt about the constitutionality of such laws, but there is no doubt about the unenforceability of them in the very cases in which enforcement is most needed; that is, in the cases of the good-looking, attractive, and financially or socially prominent. Your Commission feels that this matter needs further study before anything is done. What is said about sterilization laws holds also with regard to marriage laws. Both of these need more study than this Commission has been able to give them. As such laws seem so obviously reasonable, we believe they should not be abandoned merely because of early failure at enforcement. A more careful study should develop means of public education that would make possible both the enactment and enforcement of reasonable laws to restrict the propagation of insanity.

Your Commission is neither recommending for nor against such laws. It has to report only that it has not found a single informed expert who thinks any present law is a success, or has any form of such law to offer which he believes will succeed until the public has been better educated on such matters. In this, as in everything else, social betterment must wait upon the better education of our citizenship.

**Ninth: The Work of Commission Should Be Continued.**—Your Commission regrets that it has been unable to

cover more than one small division of the work assigned it. With little more than a year's time in which to work and with absolutely no funds for necessary expenses at its disposal, it was not possible to do more. This Commission has raised and expended nearly twenty thousand dollars in investigations, the detailed reports of which will be transmitted a little later. It has paid its own traveling expenses and its telegraph bills and no member has received directly or indirectly a penny for his or her services.

We would respectfully recommend that the same kind of careful study be made of the other eleemosynary problems that we have made of the problems of mental health, and that for this purpose the Texas Eleemosynary Commission be re-established by the Thirty-ninth Legislature and given such personnel and funds as are needed to carry out its important work.

**Expression of Appreciation.**—Your Commission wishes to express appreciation of the very cordial co-operation given to it in its work by Governor Pat Neff, the members of the Board of Control and the officers of the several State institutions involved.

Respectfully submitted,  
C. E. BEASLEY, Chairman,  
JNO. F. WALLACE, Vice-Chairman,  
A. CASWELL ELLIS, Secretary,  
NAT M. WASHER,  
JOSEPHINE DANIEL,  
ELMER SCOTT,  
ANNYE CHILDRESS BROWNING,  
J. W. THOMAS,  
J. G. STRONG,

Texas Eleemosynary Commission.

#### RELATING TO THE AVAILABLE SCHOOL FUND OF THE STATE.

Mr. Blount offered the following resolution:

Whereas, Out of revenues arising from all sources to the credit of the available free school fund, including supplementary appropriations, there was apportioned to the public free schools of the State for the scholastic year beginning September 1, 1924, the sum of fourteen dollars (\$14) per capita scholastic; and

Whereas, Our educational problem is co-extensive with the boundaries of the State and that in providing for the needs of the public free schools, we must look to the total wealth of the State; therefore, be it

Resolved by the House of Represent-

atives of the Thirty-ninth Legislature, That we favor and stand committed to such legislative action as may be necessary to provide for an available free school fund sufficient in amount to apportion to the public free schools of the State for the two scholastic years beginning September 1, 1925, the sum of fifteen dollars per capita for each scholastic as may be shown to exist by the scholastic census governing the years respectively herein referred to.

The resolution was read second time.

Mr. Graves offered the following amendment to the resolution:

Strike out the words "\$15 per capita" and insert the words "not less than \$15 per capita."

On motion of Mr. Hall, the amendment was tabled.

Question recurring on the resolution, it was adopted.

On motion of Mr. Blount, by unanimous consent, the following financial statement was ordered printed in the Journal:

Privileged Statement With Request to Print in House Journal.

By Eugene H. Blount,  
Chairman, Committee on Appropriations,  
House of Representatives.

To the House of Representatives, Thirty-ninth Legislature.

Gentlemen: In view of the circumstance that of date, January 23, 1925, there was addressed to your Chairman of House Committee on Appropriations, and at the same time given to the press, a statement over the signature of the State Superintendent of Education, showing receipts and disbursements of the available school fund for the year beginning September 1, 1923, and ending August 31, 1924; and, in addition thereto, estimates of sums needed to provide free text books; also estimates of amounts required and to be had either by supplemental appropriations out of the general revenue or else secured from new sources of taxation, in order to provide a per capita apportionment of fifteen dollars to the public free schools, which said statement is herein submitted:

Chairman of Committee on Appropriations, House of Representatives, Capitol Building.

Dear Sir: The following is a statement of the account of the State available school fund in the office of the State Treasurer for the year beginning



September 1, 1923, and ending August 31, 1924:

Receipts.

Balance, September 1, 1923	\$ 417,994
Income from all sources during the year except the special supplemental appropriation	17,934,851
Supplemental appropriation	2,000,000

Total resources	\$20,352,845
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Disbursements.

Apportionment, 1,304,270 children, at \$12 per capita	\$15,651,240
Balance on hand, September 1, 1924	4,701,605

Total	\$20,352,845
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On September 1, 1923, there was to the credit of the free text book fund \$647,084, and on account of the text book litigation, this balance enabled us to pay all bills without transferring any amount during the year from the available school fund. Not one cent of the taxes collected in 1923-1924 was expended for text books.

The estimate for free text books to provide for emergencies and increase in scholastics should be \$1.50 per pupil or on 1,321,600 scholastics, the census for 1924-1925, the sum should be \$2,000,000 annually. The expenditure for this year, on account of the contracts of 1922 having been held valid, will exceed \$3,000,000.

As stated above, the total income from constitutional sources last year was \$17,934,851. If you deduct the normal amount to be spent for text books, you have \$15,934,851. If you divide this sum by the number of scholastics, you have only a little more than \$12 per capita. This proves conclusively that without the \$2,000,000 supplemental appropriation, we cannot have as much as \$13 per capita and with this appropriation we should not expect more than \$13.50.

The number of scholastics for 1924-1925 is 1,321,600 and to furnish a per capita of \$15, it would require \$19,819,000. When we add to this amount \$2,000,000 for text books, we shall require \$21,819,000. As the income from constitutional sources, excluding the supplemental appropriation last year, was \$17,934,845, it is evident that the regular constitutional sources must be increased either by supplemental appropriation or by new sources of revenue such as the gasoline tax or cigar and cigarette tax to the amount of \$3,884,

155, or practically \$4,000,000. No account has been taken of the probable increase in the number of scholastics, which is estimated to be 20,000 annually, for the reason that the probable increase in valuation of property and amount of taxes collected on the present basis would offset this increase. There is a general sentiment over the State that the per capita apportionment to the public schools should be \$15, and I sincerely hope that your committee will be able to provide this amount.

Sincerely yours,

(Signed) S. M. N. MARRS,  
State Superintendent.

And in further consideration of the circumstances that, in the calculations therein set out for the fiscal years beginning September 1, 1924, no account is taken of the balance, \$4,701,605.53, on hand September 1, 1924, as shown in the third paragraph of said statement, and of which said balance there was set aside for text book purposes the sum of \$3,098,875, leaving a net balance to credit of available school fund amounting to \$1,602,730.53, which said balance should reasonably be considered in arriving at definite and aggregate sums to be provided for.

Therefore, for the information and guidance of the Thirty-ninth Legislature there is hereby submitted a statement in detail showing:

First: Conditions of the available free school fund at the beginning of the fiscal year beginning September 1, 1924, as shown by the records in the department of the State Comptroller.

Second: Actual sums received and sources from which same were received and paid into the available free school fund inclusive of supplemental appropriations out of the general revenue for the fiscal year beginning September 1, 1923, and ending August 31, 1924.

Third: Estimated sums to be received and sources from which same are to be received into the available free school fund, inclusive of supplemental appropriations out of the general revenue, for the fiscal year beginning September 1, 1924, and ending August 21, 1925; showing, in addition thereto, estimated balance to credit of the available free school fund at beginning of the fiscal year September 1, 1925.

Fourth: Estimated sums to be received and sources from which same are to be received into the available free school fund, exclusive of supplemental appropriations out of the general revenue, for the fiscal year beginning September 1, 1925, and ending August 31,

1926; showing, in addition thereto, estimated balance to credit of the available free school fund at beginning of the fiscal year September 1, 1926.

Fifth: Estimated sums to be received and sources from which same are to be received into the available free school fund, exclusive of supplemental appropriations out of general revenue, for the fiscal year beginning September 1, 1926, and ending August 31, 1927; showing, in addition thereto, estimated deficit to available free school fund at beginning of the fiscal year September 1, 1927-1928.

Note.—Except for the amount, \$3,098,875, set aside for free text books and deducted from the balance to credit of the available free school fund amounting, as indicated, to \$4,701,605.53 September 1, 1924, no further deductions from the available fund for text book purposes have been considered in these calculations. Doubtless some deductions will be necessary, but inasmuch as there was already a balance to credit of the text book fund amounting to \$170,000, which together with the \$3,098,875 set aside aggregates \$3,268,875, it is reasonably to be expected that, using proper care in making selections, the books selected should be serviceable covering a period in excess of the three years covered by the statement herein submitted. Assuming this to be true, annual conversions of the available fund to the text book fund should not reach very considerable proportions.

Respectfully yours,  
EUGENE BLOUNT,  
Chairman.

#### Available School Fund.

On August 31, 1924, the end of the outgoing as also the beginning of the incoming fiscal year (1924-1925) there was, as shown on page 49 of the annual report of the State Comptroller for the year 1924, a balance to credit of the available school fund amounting to \$4,701,605.53  
Of which there was set aside  
for text book account. . . . . 3,098,875.00

Leaving a balance to credit  
of the available school  
fund . . . . . \$1,602,730.53

For the fiscal year, ending August 31, 1924, as shown on said page 49, there was received to the credit of said available fund from constitutional sources, including interest arising therefrom:

Occupation taxes. . . . . \$ 1,364,851.76  
Gasoline tax. . . . . 806,314.87

Interest—City, county and district bonds. . . . .	1,072,427.35
Comptroller's special audit . . . . .	14,861.67
Comptroller's miscellaneous collections . . . . .	14,318.62
Interest on State deposits . . . . .	52,501.53
Interest on land sales. . . . .	1,628,027.07
Commissioner of Labor. . . . .	2,534.63
Interest, State bonds. . . . .	128,720.00
Insurance Department. . . . .	399,235.65
Miscellaneous deposits. . . . .	30,125.50
Interest on railroad bonds . . . . .	13,395.95
Transfers from general revenue—School ad valorem, school polls and occupation taxes. . . . .	12,493,731.60

Total for the fiscal year from sources other than appropriation out of the general revenue. . . . .	\$18,021,046.20
Appropriated out of the general revenue. . . . .	\$ 2,000,000.00

Total all sources for the fiscal year ending August 31, 1924. . . . .	\$20,021,046.20
Assuming that for the fiscal year ending August 31, 1925, revenues from constitutional sources and interest arising therefrom will be no less than for preceding year . . . . .	18,021,046.20
Plus, appropriated by the Thirty-eighth Legislature . . . . .	2,000,000.00
Plus, balance to credit, September 1, 1924. . . . .	1,602,730.53

Total for the fiscal year ending August 31, 1925, should reach (text book requirements not considered) . . . . .	\$21,623,776.73
Number scholastics, 1924-25, 1,321,600.	
Apportionment per capita, \$14.00.	
Total apportionment, \$14. . . . .	\$18,502,400.00
Balance, August 31, 1925. . . . .	\$ 3,121,376.73

Assuming, as suggested by the State Superintendent of Education, in statement published January 25th, present year, that probable increases in assessed valuation of property and amount of taxes collected on present basis will take care of probable increase in number of scholastics, the available school revenues for the fiscal year ending August 31, 1926, text book requirements not considered, should closely approximate the following:

Balance to credit, August 31, 1925	\$ 3,121,376.73
Constitutional and related revenues	18,021,046.20
Total (appropriation from general revenue not considered)	\$21,142,422.93
Scholastic apportionment—1,321,600 scholastics at \$15.00	19,824,000.00

Balance to credit, August 31, 1926	\$ 1,318,422.93
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Note.—From the foregoing it will be observed that with no appropriation out of general revenue for the year ending August 31, 1926, available school revenues will allow \$15.00 per capita scholastics and yet provide a balance amounting to \$1,318,422.93, provided that text book requirements are not excessive. Inasmuch as there was but recently set aside the sum of \$3,098,875 for text book purposes, it is but reasonable to assume that this amount, plus a balance of \$170,000 already on hand, should fairly respond to text book demands for the two-year period ending August 31, 1926.

Estimating revenues to arise from constitutional and related sources at no greater amount than for the year next preceding, and as suggested, allowing any such increase to take care of probable increase in number of scholastics, available school revenues for the year ending August 31, 1927 (text book requirements not considered), should not fall below the following:

Balance to credit, August 31, 1926	\$ 1,318,422.93
Constitutional and related revenues	18,021,046.20

Total (appropriation from general revenue not considered)	\$19,339,469.13
Scholastic apportionment—1,321,600 scholastics, at \$15.00	19,824,000.00

Deficit to balance, and which should be had either from other sources or general revenues, for year ending August 31, 1927	\$ 484,530.87
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#### PROVIDING FOR LEGISLATIVE MANUALS.

Mr. Rice offered the following resolution:

H. C. R. No. 8, Providing for compiling and printing Legislative Manual of the Thirty-ninth Legislature, and printing copies of the Constitution of Texas.

Resolved by the House, the Senate concurring, That there be printed for the use of the House and Senate three hundred and fifty copies of the Texas Legislative Manual of the Thirty-ninth Legislature which shall contain the Constitution of Texas, the Rules of the Senate, the Rules of the House and the Joint Rules of the Senate and House, all of which shall be properly indexed, with such annotations as are necessary; a list of the standing committees of the two houses, the names of the Senators and Representatives, and their respective districts. It shall also contain the names of the officers of the House and Senate, and of the representatives of the press in attendance. Two hundred and ten copies to be bound in flexible morocco covers at a cost not to exceed fifty cents per copy above the cost of the same books in flexible cloth, according to the specifications of the contract with the Public Printer.

Provided further, That the name of each member and officer of the House and Senate be embossed upon the back of one copy of said Manual, said copy to be the property of the member or officer whose name is upon said copy. Three-fourths of such copies shall be for the use of the House and one-fourth for the use of the Senate, and they shall be paid for out of the contingent funds of the two houses in said proportion; provided that the Public Printer shall not be paid for composition but one time.

The said bound volumes to be in the hands of the members of the Legislature within thirty days from the passage of this resolution.

Provided further, That in addition to the two hundred copies to be bound in flexible morocco, as herein provided, there shall be one hundred paper-bound copies printed and turned over to the Secretary of State for the use in the Legislature hereafter, and fifty copies to be delivered to the State Librarian for exchange with other State libraries; that the members of the press, working as such in the Thirty-ninth Legislature, be provided a copy of said Manual by the Secretary of State; and,

Provided further, That there shall be printed ten thousand copies of the Constitution of the State of Texas in paper-bound pamphlet form and that each member of the House and Senate shall be entitled to twenty-five copies for distribution, and that the remainder shall

be turned over to the Secretary of State for free distribution to the citizens of Texas, upon application therefor.

The resolution was read second time.

On motion of Mr. Purl, the resolution was referred to the Committee on Public Printing.

#### HOUSE BILL NO. 1 ON ENGROSSMENT.

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 1, A bill to be entitled "An Act declaring all wild animals, wild birds, and wild fowl to be the property of the people of this State; to preserve, propagate, distribute and protect the wild game animals, wild game birds and fowls, and wild birds of this State; defining offenses, and prescribing penalties for the violations thereof; providing for the issuance of hunting licenses; providing for the appointment of deputy game, fish and oyster commissioners; prescribing their duties and compensations; making provisions for the creation of a special game fund, and appropriating the same for the purpose of carrying out the provisions of this act; repealing certain laws, and all laws, general and special, in conflict herewith, and declaring an emergency."

The bill having heretofore been read second time, with (committee) amendment by Mr. Wells pending.

Mr. Gray offered the following amendment to the (committee) amendment:

Amend committee amendment No. 1 to House bill No. 1, page 3, line 14, by adding between "Lipscomb" and "Andrews," the following: "Roberts, Hutchinson, Moore, Hartley, Dallam, Sherman, Hansford, Ochiltree." Also amend said committee amendment, page 4, line 10, by inserting the following between "Lipscomb" and "Andrews": "Roberts, Hutchinson, Moore, Hartley, Dallam, Sherman, Hansford, Ochiltree."

The amendment was adopted.

Mr. Gray offered the following amendment to the (committee) amendment:

Amend committee amendment No. 1 to House bill No. 1, page 7, line 20, by striking out the word "after" in the word "hereinafter."

The amendment was adopted.

Mr. Young offered the following amendment to the (committee) amendment:

Amend committee amendment No. 1 to House bill No. 1, page 3, line 14, by striking out "Gray" and "Wheeler;" also amend said committee amendment,

page 4, line 10, by striking out "Gray, Wheeler."

Mr. Petsch moved to table the amendment, and the motion to table was lost.

Question recurring on the amendment, it was adopted.

#### RECESS.

On motion of Mr. McFarlane, the House, at 12 o'clock noon, took recess to 3 o'clock p. m. today.

#### AFTERNOON SESSION

The House met at 3 o'clock p. m. and was called to order by the Speaker.

#### NOTICE GIVEN.

Mr. Hall gave notice that he would on tomorrow ask to have taken up for consideration at that time the motion to reconsider the vote on passage of Senate bill No. 67, which motion to reconsider has been spread on the Journal.

#### HOUSE BILL NO. 1 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 1, relating to the wild game of the State, on its passage to engrossment, with (committee) amendment by Mr. Wells pending.

Mr. Gray offered the following amendment to the (committee) amendment:

Amend (committee) amendment No. 1 to House bill No. 1, on page 17, line 6, by adding after the word "hunt," the following: "Each license issued to non-resident of the State of Texas shall have printed thereon: 'This license does not permit the holder thereof to hunt upon the enclosed and posted land of another without permission of the owner or party in possession.'"

#### HOUSE BILL NO. 161 ON ENGROSSMENT.

The Speaker laid before the House, as a special order for this hour, on its passage to engrossment,

H. B. No. 161, A bill to be entitled "An Act prohibiting the employment of children under fifteen years of age to labor in certain occupations; prohibiting the employment of children under seventeen years of age to labor in certain occupations; prohibiting the sending of children under seventeen years of age to certain places; limiting the hours

of labor for children under fifteen years of age; providing for permits to be issued by the county judge for children between the ages of twelve and fifteen years to labor in certain occupations and under certain conditions; requiring employers employing children between the ages of twelve and fifteen to secure and post permits where a child is employed; providing how such permits may be secured; giving the Commissioner of Labor Statistics, or his deputies or inspectors, free access to all places where children or minors are employed; providing penalties for violations of the act, and repealing all laws and parts of laws in conflict with the act, and declaring an emergency."

The bill having heretofore been read second time.

Mr. Young offered the following (committee) amendment to the bill:

Amend the bill in Section 5 adding in line 10, after the word "school," the following: "or its equivalent."

Mr. Donnell offered the following substitute for the amendment:

Amend House bill No. 161 by striking out word "fifth" on line 10, page 3, and insert the words "fourth grade or its equivalent."

The substitute was lost.

Question then recurring on the amendment by Mr. Young, it was adopted.

Mr. Young offered the following (committee) amendment to the bill:

In Section 5, at the end of line 10, strike out "and that it has been examined by a licensed physician and pronounced physically able to perform the work or labor for which a permit is sought," continuing into line 13 and insert in line 22, between the words "child" and "issue," the following: "which sworn statement shall be accompanied by the certificate of a licensed physician showing that such child is physically able to perform the work or labor for which the permit is sought."

The amendment was adopted.

Mr. Young offered the following (committee) amendments to the bill:

In Section 5 strike out in lines 19 and 20, the following: "whose husband has deserted her" and insert in lieu thereof "in needy circumstances."

In Section 5, line 23, strike out the words "a permit."

The amendments were severally adopted.

Mr. Young offered the following amendment to the bill:

Amend House bill No. 161, page 4,

Section 9, at end of line 23, after "shall" add "not."

The amendment was adopted.

Mr. Farrar offered the following amendment to the bill:

Amend House bill No. 161 by striking out in lines 27 and 28, Section 1, the words "theater or other place of amusement," also in Section 5, line 40, the words "theater, moving picture show or other place of amusement."

The amendment was adopted.

Mr. Jacks offered the following amendment to the bill:

Amend House bill No. 161, Section 1, lines 28 and 29, by striking out "or in messenger service in towns and cities of more than fifteen thousand population, according to Federal census."

The amendment was lost.

Mr. Bartlett offered the following amendment to the bill:

Amend House bill No. 161, page 2, Section 4, by striking out from the word "week," in line 32, to the end of line 33.

The amendment was lost.

Mr. Farrar offered the following amendment to the bill:

Amend House bill No. 161 by adding to line 37, Section 1, the words "ranches, dairies or other agricultural or stock raising pursuits."

The amendment was adopted.

Mr. Cade offered the following amendment to the bill:

Amend House bill No. 161 by striking out in lines 28 and 29, page 1, Section 1, the following: "in towns and cities of more than fifteen thousand population, according to the Federal census."

Mr. Gray moved the previous question on the pending amendment and the bill, and the motion was not seconded.

Question then recurring on the amendment by Mr. Cade, it was lost.

Mr. Young offered the following amendment to the bill:

Amend House bill No. 161, page 4, line 1, by adding at the end of the said section the following: "nor shall their hours of labor conflict with Section 4 of this act."

Mr. Purl moved to table the amendment, and the motion to table was lost.

Question recurring on the amendment by Mr. Young, it was adopted.

Mr. Cummings offered the following amendment to the bill:

Amend House bill No. 161, Section 4, line 33, by striking out the words and figures "seven (7) p. m." and inserting therefor "ten (10) p. m."; further by striking out words and figures "six (6) a. m." and inserting therefor "five (5) a. m."

The amendment was adopted.

Mr. Purl moved that further consideration of the bill be postponed indefinitely.

Mr. Young moved to table the motion to postpone indefinitely.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

## Yeas—92.

Albritton.	Lane of Harrison.
Alexander	Lipscomb.
of Bastrop.	Mankin.
Baker of Panola.	Masterson.
Barron.	McBride.
Bedford.	McFarlane.
Bird.	McDougald.
Bonham.	McGill.
Brown.	McNatt.
Bryant.	Merritt.
Cade.	Parish.
Carter.	Pavlica.
Chitwood.	Perdue.
Coffey.	Petsch.
Conway.	Poage.
Cox of Navarro.	Pope.
Dale.	Powell.
Davis of Dallas.	Rawlins.
Davis of Wood.	Raymer.
DeBerry.	Renfro.
Dielmann.	Rice.
Dunn of Falls.	Robinson.
Dunn of Hopkins.	Rowell.
Durham.	Rowland.
Enderby.	Runge.
Farrar.	Shearer.
Faulk.	Simmons.
Fields.	Smith of Nueces.
Finlay.	Sparks.
Florence.	Stell.
Frnka.	Stevenson.
Graves.	Stout.
Gray.	Strong.
Hollowell.	Teer.
Hoskins.	Thompson.
Jacks.	Tomme.
Jasper.	Veatch.
Justice.	Walker.
Kayton.	Wallace.
Kenyon.	Westbrook.
King.	Wester.
Kinnear.	Williamson.
Kittrell.	Wilson.
Laird.	Woodruff.
Lane of Hamilton.	Young.

## Nays—32.

Atkinson.	Downs.
Avis.	High.
Baker of Orange.	Johnson.
Bartlett.	Jones.
Bean.	Jordan.
Coody.	Loftin.
Covey.	Low.
Cummings.	McKean.
Donnell.	Montgomery.

Moore.  
Pearce.  
Pool.  
Purl.  
Rogers.  
Sheats.  
Sinks.

Smith of Travis.  
Smyth.  
Stautzenberger.  
Stevens.  
Taylor.  
Webb.  
Wells.

## Present—Not Voting.

Bateman.  
McDonald.

Wade.

## Absent.

Acker.  
Alexander  
of Limestone.  
Barker.  
Blount.  
Cox of Lamar.  
Daniels.  
Foster.

Hagaman.  
Hall.  
Harman.  
Houston.  
Irwin.  
Kemble.  
Nicholson.  
Sanford.

## Absent—Excused.

Amsler.  
Bobbitt.  
Boggs.  
Dinkle.  
Dunlap.

Harper.  
Hull.  
Maxwell.  
Simpson.  
Storey.

Question then recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 161 was then passed to engrossment by the following vote:

## Yeas—93.

Albritton.	Frnka.
Alexander	Graves.
of Bastrop.	Gray.
Baker of Orange.	Hall.
Baker of Panola.	High.
Barron.	Hoskins.
Bedford.	Irwin.
Bonham.	Jacks.
Bryant.	Jasper.
Cade.	Jordan.
Carter.	Justice.
Chitwood.	Kayton.
Coffey.	King.
Conway.	Kinnear.
Coody.	Kittrell.
Cox of Lamar.	Laird.
Dale.	Lane of Hamilton.
Davis of Dallas.	Lane of Harrison.
Davis of Wood.	Lipscomb.
DeBerry.	Mankin.
Dielmann.	Masterson.
Donnell.	McBride.
Dunn of Falls.	McDougald.
Dunn of Hopkins.	McFarlane.
Durham.	McGill.
Enderby.	McNatt.
Farrar.	Merritt.
Faulk.	Montgomery.
Fields.	Nicholson.
Finlay.	Pavlica.

Pearce.	Stautzenberger.
Petsch.	Stell.
Poage.	Stevens.
Pope.	Stout.
Powell.	Strong.
Rawlins.	Teer.
Raymer.	Thompson.
Rice.	Tomme.
Robinson.	Veatch.
Rogers.	Wade.
Rowell.	Walker.
Rowland.	Wallace.
Runge.	Westbrook.
Shearer.	Wester.
Sheats.	Williamson.
Simmons.	Wilson.
Smyth.	Woodruff.
Sparks.	Young.

## Nays—24.

Acker.	Loftin.
Atkinson.	Low.
Avis.	McKean.
Barker.	Moore.
Bartlett.	Parish.
Bean.	Perdue.
Covey.	Purl.
Cummings.	Renfro.
Florence.	Sinks.
Hollowell.	Smith of Travis.
Johnson.	Taylor.
Jones.	Webb.

## Present—Not Voting.

Bateman.	McDonald.
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## Absent.

Alexander	Hagaman.
of Limestone.	Harman.
Bird.	Houston.
Blount.	Kemble.
Brown.	Kenyon.
Cox of Navarro.	Pool.
Daniels.	Sanford.
Downs.	Stevenson.
Foster.	Wells.

## Absent—Excused.

Amsler.	Hull.
Bobbitt.	Maxwell.
Boggs.	Simpson.
Dinkle.	Smith of Nueces.
Dunlap.	Storey.
Harper.	

HOUSE BILL NO. 161 ON THIRD  
READING.

Mr. Jacks moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 161 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—100.

Albritton.	Lane of Harrison.
Alexander	Lipscomb.
of Bastrop.	Mankin.
Baker of Orange.	Masterson.
Baker of Panola.	McBride.
Barker.	McDonald.
Barron.	McDougald.
Bateman.	McFarlane.
Bean.	McGill.
Bedford.	McNatt.
Bird.	Merritt.
Bonham.	Montgomery.
Brown.	Moore.
Bryant.	Nicholson.
Cade.	Pavlica.
Carter.	Pearce.
Conway.	Perdue.
Coody.	Petsch.
Cox of Lamar.	Pool.
Cummings.	Pope.
Dale.	Powell.
Daniels.	Purl.
Davis of Dallas.	Rawlins.
Davis of Wood.	Raymer.
DeBerry.	Renfro.
Dielmann.	Rice.
Donnell.	Robinson.
Downs.	Rogers.
Dunn of Falls.	Rowell.
Dunn of Hopkins.	Rowland.
Durham.	Runge.
Enderby.	Shearer.
Farrar.	Simmons.
Fields.	Smyth.
Finlay.	Sparks.
Frnka.	Stautzenberger.
Graves.	Stell.
Gray.	Stevens.
Hall.	Stevenson.
High.	Stout.
Hoskins.	Strong.
Jacks.	Thompson.
Jasper.	Tomme.
Jordan.	Veatch.
Justice.	Wade.
Kayton.	Wallace.
Kenyon.	Wells.
King.	Westbrook.
Kinnear.	Wester.
Kittrell.	Williamson.
Laird.	Woodruff.
Lane of Hamilton.	Young.

## Nays—24.

Acker.	Johnson.
Atkinson.	Jones.
Avis.	Loftin.
Bartlett.	Low.
Chitwood.	McKean.
Coffey.	Parish.
Covey.	Poage.
Florence.	Sheats.
Hollowell.	Sinks.
Irwin.	Smith of Travis.

Taylor.	Webb.
Walker.	Wilson.
Absent.	
Alexander	Harman.
of Limestone.	Houston.
Blount.	Kemble.
Cox of Navarro.	Sanford.
Faulk.	Smith of Nueces.
Foster.	Teer.
Hagaman.	
Absent—Excused.	
Amsler.	Harper.
Bobbitt.	Hull.
Boggs.	Maxwell.
Dinkle.	Simpson.
Dunlap.	Storey.

The Speaker then laid House bill No. 161 before the House on its third reading and final passage.

The bill was read third time and was passed.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 3, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 79, A bill to be entitled "An Act to amend Article 1152 of the Penal Code of the State of Texas, 1911, relating to the punishment of the offense of libel, by providing that the punishment shall be imprisonment in the State penitentiary for a period of time not less than two years nor more than four years."

S. B. No. 69, A bill to be entitled "An Act amending Article 636 of the Penal Code of the State of Texas, and providing that all male and female persons who habitually associate with prostitutes or habitually loiter on or around houses of prostitution or receive financial aid from prostitutes shall be punished as vagrants, and defining the terms 'prostitute' and 'common prostitute,' and adding to Chapter 9, Title 11 of the Penal Code of the State of Texas Article 636a, and providing therein the evidence which may be admissible in vagrancy trials and the effect of such evidence, and repealing all laws in conflict herewith, and declaring an emergency," with engrossed rider.

S. C. R. No. 16, Relating to State parks.

S. B. No. 3, A bill to be entitled

"An Act declaring all wild animals, wild birds and wild fowls to be the property of the people of this State; to preserve, propagate, distribute, and protect the wild game animals, wild game birds and fowls, and wild birds of this State; defining offenses, and prescribing penalties for the violations thereof; providing for the issuance of hunting licenses; providing for the appointment of deputy game, fish and oyster commissioners; prescribing their duties and compensation; making provisions for the creation of a special game fund, and appropriating the same for the purpose of carrying out the provisions of this act; repealing certain laws, and all laws, general and special, in conflict herewith, and declaring an emergency."

S. B. No. 29, A bill to be entitled "An Act to permit applicants for writ of habeas corpus in criminal cases when the relief prayed for is denied by the judge of the court to whom the application is made and who prosecutes an appeal from the order of said judge or court to the Court of Criminal Appeals to be released on bail pending the appeal in all save capital cases, the amount of bail to be fixed by the judge trying the case and the order entered upon the minutes of the court, the bail bond to be executed and approved under the same provisions of law which govern the bail on appeal in criminal cases after verdict of conviction as provided for by the existing law, and declaring an emergency."

S. B. No. 103, A bill to be entitled "An Act to amend Article 927, Title 22, Chapter 6, Revised Civil Statutes of 1911, so as to provide that the city council or commission of any city or town shall have power to levy and collect an annual poll tax, not to exceed one dollar, of every person between the ages of 21 and 60 years, resident within such city or town on the first day of January of each year (Indians not taxed, and persons insane, blind, deaf or dumb, or those who have lost one hand or foot, excepted), and declaring an emergency."

S. B. No. 113, A bill to be entitled "An Act amending Section 124a of Chapter 124 of the General Laws of the Regular Session of the Twenty-ninth Legislature, page 296, so as to make it a felony to violate said section, said section being upon the subject of preventing fraud in teachers' examinations, and declaring an emergency."

S. B. No. 114, A bill to be entitled "An Act to repeal Section 506 of Chap-



ter 5, Title 14, Revised Statutes of 1911, and declaring an emergency."

The following committee is announced on part of the Senate in compliance with S. C. R. No. 9, Selection of a State song: Senators Parr, Stuart and Parnell.

The following committee is announced on the part of the Senate in compliance with the provisions of S. C. R. No. 15, to receive the diary of Captain Adolphus Sterne: Senators Davis, Hardin of Kaufman and Fairchild.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

#### SPECIAL ORDER SET.

On motion of Mr. Dale, House bill No. 58 was set as a special order for 3 o'clock p. m. tomorrow.

#### HOUSE BILL NO. 1 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 1, relating to wild game of the State, on its passage to engrossment with (committee) amendment by Mr. Wells, and amendment to the (committee) amendment by Mr. Gray, pending.

The amendment to the amendment was adopted.

Mr. Gray offered the following amendment to the (committee) amendment:

Amend (committee) amendment No. 1 to House bill No. 1, page 18, line 32, by adding after the word "State" "but not upon the enclosed and posted land of another without permission of the owner or party in possession."

The amendment was adopted.

Mr. Bean offered the following amendment to the (committee) amendment:

Amend House bill No. 1, page 8, in line 12 after domestic animals, by striking out all in lines 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 and insert in lieu thereof the following: "The owner of any crop growing or ungathered on his farm or any one owning same where he has crop, shall be authorized in self-defense to kill any fowl or fowls, animal or animals that are destroying his crop or his domestic animals; he is hereby authorized at once to kill said fowls or animals for his own protection without notifying any one, and if he so desires, he shall be at liberty to hire one or more persons to help in his defense."

The amendment was lost.

Mr. Bateman offered the following amendment to the bill:

Amend House bill No. 1 by striking out the enacting clause.

On motion of Mr. Petsch, the amendment was tabled.

Mr. Westbrook offered the following amendment to the bill:

Amend House bill No. 1 as amended, Section 28, line 9, by striking out the words "and the sum of one (\$1) dollar shall be charged for license authorizing hunting within the county of the residence of the licensee."

Mr. Sinks offered the following substitute for the amendment:

Amend House bill No. 1, Section 27a, by striking out after the word "dollars" in lines 8 and 9, the following, lines 9, 10 and 11: "and the sum of one (\$1) dollar shall be charged for license authorizing hunting within the county of the residence of the licensee."

#### NOTICE GIVEN.

Mr. Kinnear gave notice that he would on tomorrow ask to be taken up at that time for consideration House bill No. 70, which bill had heretofore been laid on the table subject to call.

#### ADJOURNMENT.

In accordance with a resolution by Mr. McFarlane, adopted by the House, the House, at 5:20 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

#### APPENDIX.

##### STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills as follows:

Public Health—House bills Nos. 175, 297.

Judiciary—House bills Nos. 210, 266, 278, 310, 287, 329; Senate bill No. 84.

Highways and Motor Traffic—House bill No. 140; Senate bill No. 186.

State Eleemosynary and Reformatory Institutions—House bill No. 247.

Live Stock and Stock Raising—House bill No. 218.

Judicial Districts—House bill No. 294; Senate bills Nos. 180, 182.

Public Lands and Buildings—House bills Nos. 230, 246.

Agriculture—House bills Nos. 259, 213.

Education—House bills Nos. 281, 197.  
Criminal Jurisprudence—House bills

Nos. 127, 186, 296, 241, 24, 309, 211;  
Senate bills Nos. 37, 7, 6.

The following committees have today  
filed unfavorable reports on bills as fol-  
lows:

Public Lands and Buildings—House  
bill No. 164.

Counties—House bill No. 129.

Education—House bill No. 162.

#### REPORTS OF COMMITTEE ON EN- GROSSED BILLS.

Committee Room,

Austin, Texas, February 2, 1925.

Hon. Lee Satterwhite, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills have carefully examined and com-  
pared

H. B. No. 78, A bill to be entitled  
"An Act to amend Chapter 15, pages 30  
and 31 of the laws passed at the Regu-  
lar Session of the Thirty-seventh Legis-  
lature, 1921, by changing the time and  
terms of holding court in the Eighty-  
third Judicial District, so that Section  
1 of said act, as it relates to said  
Eighty-third Judicial District, shall  
hereafter read as follows, and declaring  
an emergency,"

And find the same correctly engrossed.

ROWELL, Chairman.

Committee Room,

Austin, Texas, February 2, 1925.

Hon. Lee Satterwhite, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills have carefully examined and com-  
pared

H. B. No. 165, A bill to be entitled  
"An Act creating and incorporating  
Dixie Independent School District in  
Lynn county, Texas, out of territory now  
comprising Common School District No.  
18, of Lynn county, as heretofore cre-  
ated by the county board of school  
trustees of said county; defining bound-  
ary thereof; providing for a board of  
trustees, their election, terms of office,  
qualification, power, duties and author-  
ity; authorizing the board of trustees  
to levy, assess and collect taxes for  
maintenance and building purposes, and  
to issue bonds; providing for an asses-  
sor and collector of taxes and a board of  
equalization; providing that said Dixie  
Independent School District shall as-  
sume and discharge any and all indebt-  
edness constituting valid and binding  
obligations of said Common School Dis-  
trict No. 18 of Lynn county; validating  
and continuing in force any and all

taxes heretofore voted and now in force  
in such common school district; provid-  
ing that title to any and all property  
of said common school district shall vest  
in the trustees of independent school  
district hereby created; providing for  
filling vacancies on the board of trus-  
tees; providing for a seal for said dis-  
trict; providing that the board of trus-  
tees shall be governed by the general  
laws of Texas in all matters where this  
act is silent; repealing all laws in con-  
flict herewith, providing that invalida-  
tion by the courts of any section or pro-  
vision of this act shall not invalidate  
any remaining provisions hereof, and de-  
claring an emergency,"

And find the same correctly engrossed.

ROWELL, Chairman.

Committee Room,

Austin, Texas, February 3, 1925.

Hon. Lee Satterwhite, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills have carefully examined and com-  
pared

H. B. No. 49, A bill to be entitled  
"An Act making unlawful the making  
of use of false statements in writing  
respecting the financial condition, or  
means, or ability to pay, of the person  
making such false statement, or caus-  
ing same to be made, or of any person,  
firm or corporation in which he is in-  
terested, or for whom he is acting, for  
the purpose of obtaining money, prop-  
erty or credit, or the making, acceptance,  
discount, sale or endorsement of a bill  
of exchange or promissory note, amount-  
ing to more than fifty dollars, whether  
such statements are made directly or  
indirectly; making such offense a felony  
and prescribing punishment therefor,  
and declaring an emergency,"

And find the same correctly engrossed.

ROWELL, Chairman.

Committee Room,

Austin, Texas, February 3, 1925.

Hon. Lee Satterwhite, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills have carefully examined and com-  
pared

H. B. No. 209, A bill to be entitled  
"An Act to create the Letts Common  
School District No. 10 in Hall county,  
Texas, including therein territory in-  
cluded in the present Bridle Bits Com-  
mon School District and Wolf Flat  
Common School District in Hall county,  
Texas; providing board of trustees there-  
for; vesting said common school dis-  
trict board of trustees with all the

rights, powers, privileges and duties conferred upon common school districts organized under the general laws of Texas; providing for a board of trustees for said district to serve until the time for the next election of school trustees in common school districts as provided by the general law; authorizing the said Letts Common School District to hold an election to determine whether or not the said district shall assume and make provision for the payment of the outstanding bonded indebtedness of the territory incorporated herein, and declaring an emergency,"

And find the same correctly engrossed.

ROWELL, Chairman.

Committee Room,

Austin, Texas, February 3, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 110, A bill to be entitled "An Act providing that counties that borrowed money from the State of

Texas under the provisions of Section 13, Chapter 4, Acts of the Thirty-fifth Legislature, passed at the Fourth Called Session, may by payment of accrued interest be given an option of five years additional time in which to return the principal, and declaring an emergency,"

And find the same correctly engrossed.

ROWELL, Chairman.

Committee Room,

Austin, Texas, February 3, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 107, A bill to be entitled "An Act to amend Section 2, Chapter 23, Acts of the Second Called Session of the Thirty-sixth Legislature, fixing a maximum portion of the thirty-five cent ad valorem school tax to be used for purchase and distribution of free text books, and declaring an emergency,"

And find the same correctly engrossed.

ROWELL, Chairman.

**In Memory**  
**of**  
**Hon. Woodrow Wilson**

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Mr. McFarlane offered the following resolution:

Whereas, The third day of February is the first anniversary of the death of that great President, Woodrow Wilson, who for eight years guided the destinies of the Nation with the hand of a statesman, as he was. Therefore, be it

Resolved, That the House of Representatives adjourn today in his memory, and that a page be set apart in the Journal to his memory.

The resolution was read second time and was adopted.